

Remarks/Arguments:

Claims 25-34 presented hereby, are pending.

Claims 1-24 are canceled, hereby, without prejudice or disclaimer.

New claims 25-34 are limited to a "peptide" selected from specific and defined amino acid sequences as well as to a "medicament" containing the claimed peptide, methods for the treatment of dilatative cardiomyopathy (DCM) that involve the claimed peptide, and a chromatography device that includes the claimed peptide.

More precisely, present independent claim 25 limits the "peptide" of the instant invention to the scope of two generically defined amino acid sequences – one based on SEQ ID NO: 1 and the other based on SEQ ID NO: 2, found in claim 15 – rewritten to more clearly define the invention. Claim 26 contains the subject matter of claim 16, limited to be commensurate with the scope of the "peptide" as defined in present claim 25. Present claims 27-34 correspond to claims 16-24, respectively, rewritten to more clearly define the instant invention.

Claims 13-20 were rejected under 35 USC 101 for allegedly being directed to non-statutory subject matter, in that the rejected claims allegedly "read upon [a] peptide found in nature." As kindly suggested by the examiner, all of the present claims are limited to an "isolated peptide." Applicants wish to thank the examiner for timely suggesting alternative claim language to overcome the rejection.

Claim 22 was rejected under 35 USC 101 for allegedly lacking credible utility, based on reciting "use of" language. In that the "use of" language is not found in any of the present claims, the rejection is rendered moot.

Claims 22 and 23 were rejected under 35 USC 112, second paragraph. Reconsideration is requested in view of the changes effected in the claim language by the instant amendment.

Claim 22 is allegedly indefinite based on reciting the "use of" language. The "use of" language being not found in any of the present claims, the rejection on this basis is rendered moot.

Nonetheless, the subject matter of claim 22 is found in present claim 32, rewritten to as a "method" claim. Claim 32 recites a "method of treating dilatative cardiomyopathy," which involves "administering" the presently claimed peptide to a patient.

Claims 22 and 23 are allegedly indefinite based on reciting the phrase "diseases related to." In that the phrase is not found in any of the present claims, the rejection on this basis is rendered moot.

Nonetheless, the subject matter of claim 23 is found in present claim 33, rewritten to more clearly define the invention. Claim 33 provides for the *ex vivo* treatment of DCM – specifically, by *extracorporeal therapy* – as described at page 11 of the subject application. Thereby, β_1 -adrenergically active auto-antibodies are removed from the patient's blood using the presently claimed peptide "bound to a solid phase" and treated blood is, then, recirculated to the patient's bloodstream.

Claims were rejected under 35 USC 112, first paragraph, for allegedly lacking enablement. Reconsideration is requested in view of the limitation in claim scope effected by the instant amendment.

The present "peptide" claims are limited to the scope of two generically defined amino acid sequences – one based on SEQ ID NO: 1 and the other based on SEQ ID NO: 2, as explained above. The present "method" claims are limited to the treatment of DCM. Applicants submit that the claims, as presently limited, satisfy the requirements for enablement under §112, ¶1.

Applicants wish to thank the examiner for the notification of allowable subject matter.

***Request To Acknowledge
Priority Under 35 USC 119(a)***

A claim to foreign priority under 35 USC 119 has been made (inventorship declaration of record) and the certified copy of each priority document received by the PTO (Form PCT/IB304, mailed 14 December by the International Bureau, of record, copy attached hereto). Applicants need not file English translations of the priority documents in order for the subject application to be accorded the benefit of foreign priority under §119. MPEP 1893.03(c). However, in order to advance prosecution, attached hereto are verified translations of the two priority documents.

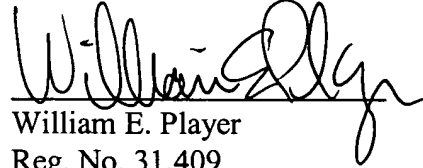
Accordingly, request is made that the Examiner mark the next Office Action to acknowledge, both, the claim to §119 foreign priority and receipt of the certified copy.

Favorable action is requested.

Respectfully submitted,

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